

Executive Summary – Enforcement Matter – Case No. 55082
City of Garland Power & Light
RN100214766
Docket No. 2017-1358-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Spencer Station, 1701 Spencer Road, Denton, Denton County

Type of Operation:

Power plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: No

Texas Register Publication Date: February 9, 2018

Comments Received: No

Penalty Information

Total Penalty Assessed: \$21,450

Amount Deferred for Expedited Settlement: \$4,290

Total Paid to General Revenue: \$17,160

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major/Minor Source: Major

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 27, 2017

Date(s) of NOE(s): August 18, 2017

Violation Information

1. Failed to submit deviation reports within 30 days after the end of the reporting periods. Specifically, the Respondent did not submit the deviation reports for the May 5, 2015 through November 4, 2015, November 5, 2015 through May 4, 2016, and May 5,

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RN100214766
Docket No. 2017-1358-AIR-E

deviations occurred during these reporting periods, but deviation reports should have been submitted by December 4, 2015, June 3, 2016, and December 4, 2016, respectively, to report the failure to submit the semiannual reports required by 30 TEX. ADMIN. CODE ch 117 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. 084, General Terms and Conditions ("GTC")].

2. Failed to report all instances of deviations. Specifically, the deviation report for the November 5, 2016 through May 4, 2017 reporting period did not include a deviation for failing to submit the semiannual report required by 30 TEX. ADMIN. CODE ch. 117 for the July 1, 2016 through December 31, 2016 calendar semiannual period [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 084, GTC].

3. Failed to submit semiannual reports within 30 days after the end of each calendar semiannual period. Specifically, the semiannual reports for the January 1, 2015 through June 30, 2015, July 1, 2015 through December 31, 2015, January 1, 2016 through June 30, 2016, and July 1, 2016 through December 31, 2016 calendar semiannual periods were due by July 30, 2015, January 30, 2016, July 30, 2016, and January 30, 2017, respectively, but were not submitted until August 9, 2017 [30 TEX. ADMIN. CODE §§ 117.1345(d) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 084, Special Terms and Conditions No. 1.A].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On August 9, 2017, the Respondent submitted the semiannual reports for the January 1, 2015 through June 30, 2015, July 1, 2015 through December 31, 2015, January 1, 2016 through June 30, 2016, and July 1, 2016 through December 31, 2016 calendar semiannual periods.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, submit the deviation reports for the May 5, 2015 through November 4, 2015, November 5, 2015 through May 4, 2016, and May 5, 2016 through November 4, 2016 reporting periods and a revised deviation report for the November 5, 2016 through May 4, 2017 reporting period to report the failure to submit the semiannual reports required; and
- b. Within 45 days submit written certification demonstrating compliance with a.

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City of Garland Power & Light
RN100214766
Docket No. 2017-1358-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: David Carney, Enforcement Division,
Enforcement Team 4, MC 219, (512) 239-2583; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548

Respondent: Michael Burr, Environmental Manager, City of Garland Power & Light,
13835 County Road 489, Nevada, Texas 75173

Jeff Janke, General Manager & CEO, City of Garland Power & Light, 13835 County Road
489, Nevada, Texas 75173

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|------------|----------------|--|
| DATES | Assigned | 21-Aug-2017 | Screening | 8-Sep-2017 | EPA Due | |
| | PCW | 14-Sep-2017 | | | | |

RESPONDENT/FACILITY INFORMATION

| | | | |
|-----------------------------|-------------------------------|---------------------------|-------|
| Respondent | City of Garland Power & Light | | |
| Reg. Ent. Ref. No. | RN100214766 | | |
| Facility/Site Region | 4-Dallas/Fort Worth | Major/Minor Source | Major |

CASE INFORMATION

| | | | |
|--|-----------------|------------------------------|--------------------|
| Enf./Case ID No. | 55082 | No. of Violations | 3 |
| Docket No. | 2017-1358-AIR-E | Order Type | 1660 |
| Media Program(s) | Air | Government/Non-Profit | Yes |
| Multi-Media | | Enf. Coordinator | David Carney |
| | | EC's Team | Enforcement Team 4 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

| | | |
|---|-------------------|----------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$28,000 |
|---|-------------------|----------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

| | | | | |
|---------------------------|--------|-------------------|--------------------------------|----------|
| Compliance History | -10.0% | Adjustment | Subtotals 2, 3, & 7 | -\$2,800 |
|---------------------------|--------|-------------------|--------------------------------|----------|

Notes Reduction for high performer classification.

| | | | | | |
|--------------------|----|------|--------------------|-------------------|-----|
| Culpability | No | 0.0% | Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------|--------------------|-------------------|-----|

Notes The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|----------|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | -\$3,750 |
|--|-------------------|----------|

| | | | | |
|-------------------------|------|---------------------|-------------------|-----|
| Economic Benefit | 0.0% | Enhancement* | Subtotal 6 | \$0 |
|-------------------------|------|---------------------|-------------------|-----|

Total EB Amounts \$200
Estimated Cost of Compliance \$2,000

*Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$21,450 |
|-----------------------------|-----------------------|----------|

| | | | |
|---|------|-------------------|-----|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.0% | Adjustment | \$0 |
|---|------|-------------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

| | |
|-----------------------------|----------|
| Final Penalty Amount | \$21,450 |
|-----------------------------|----------|

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$21,450 |
|-----------------------------------|-------------------------------|----------|

| | | | | |
|-----------------|-------|------------------|-------------------|----------|
| DEFERRAL | 20.0% | Reduction | Adjustment | -\$4,290 |
|-----------------|-------|------------------|-------------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$17,160 |
|------------------------|----------|

Screening Date 8-Sep-2017

Docket No. 2017-1358-AIR-E

PCW

Respondent City of Garland Power & Light

Case ID No. 55082

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100214766

Media [Statute] Air

Enf. Coordinator David Carney

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Number | Adjust. |
|-------------------------------|--|--------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 0 | 0% |
| | Other written NOVs | 0 | 0% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 0 | 0% |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance
History
Notes

Reduction for high performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 8-Sep-2017

Docket No. 2017-1358-AIR-E

PCW

Respondent City of Garland Power & Light

Policy Revision 4 (April 2014)

Case ID No. 55082

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100214766

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(C), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. 084, General Terms and Conditions ("GTC")

Violation Description

Failed to submit deviation reports within 30 days after the end of the reporting periods. Specifically, the Respondent did not submit the deviation reports for the May 5, 2015 through November 4, 2015, November 5, 2015 through May 4, 2016, and May 5, 2016 through November 4, 2016 reporting periods because they determined that no deviations occurred during these reporting periods, but deviation reports should have been submitted by December 4, 2015, June 3, 2016, and December 4, 2016, respectively, to report the failure to submit the semiannual reports required by 30 Tex. Admin. Code ch 117.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent 0.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | x | | |

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3

644 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$11,250

Three single events are recommended, one for each report.

Good Faith Efforts to Comply

0.0%

Reduction \$0

| | Before NOE/NOV | NOE/NOV to EDP/PRP/Settlement Offer |
|---------------|----------------|-------------------------------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | |

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$88

Violation Final Penalty Total \$10,125

This violation Final Assessed Penalty (adjusted for limits) \$10,125

Economic Benefit Worksheet

Respondent City of Garland Power & Light
 Case ID No. 55082
 Reg. Ent. Reference No. RN100214766
 Media Air
 Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

Delayed Costs

| | | | | | | | |
|--------------------------|-------|------------|------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$750 | 4-Dec-2015 | 8-Apr-2018 | 2.35 | \$88 | n/a | \$88 |

Notes for DELAYED costs

Estimated delayed costs to submit the deviation reports for the May 5, 2015 through November 4, 2015, November 5, 2015 through May 4, 2016, and May 5, 2016 through November 4, 2016 reporting periods to report the failure to submit the semiannual report required by 30 Tex. Admin. Code ch. 117. The Date Required is the due date of the first report and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$750

TOTAL

\$88

Screening Date 8-Sep-2017

Docket No. 2017-1358-AIR-E

PCW

Respondent City of Garland Power & Light

Policy Revision 4 (April 2014)

Case ID No. 55082

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100214766

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(C), Tex. Health & Safety Code § 382.085(b), and FOP No. 084, GTC

Violation Description

Failed to report all instances of deviations. Specifically, the deviation report for the November 5, 2016 through May 4, 2017 reporting period did not include a deviation for failing to submit the semiannual report required by 30 Tex. Admin. Code ch. 117 for the July 1, 2016 through December 31, 2016 calendar semiannual period.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent 0.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | x | |

Percent 7.0%

Matrix Notes

Between 30% and 70% of the rule requirement was not met.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1

97 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

| | Before NOE/NOV | NOE/NOV to EDRP/Settlement Offer |
|---------------|----------------|----------------------------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | |

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$1,575

This violation Final Assessed Penalty (adjusted for limits) \$1,575

Economic Benefit Worksheet

Respondent City of Garland Power & Light
Case ID No. 55082
Reg. Ent. Reference No. RN100214766
Media Air
Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

Delayed Costs

| | | | | | | | |
|--------------------------|-------|------------|------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$250 | 3-Jun-2017 | 8-Apr-2018 | 0.85 | \$11 | n/a | \$11 |

Notes for DELAYED costs

Estimated delayed cost to submit a revised deviation report for the November 5, 2016 through May 4, 2017 reporting period to report the failure to submit the semiannual report required by 30 Tex. Admin. Code ch. 117. The Date Required is the due date of the report and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$11

Screening Date 8-Sep-2017

Docket No. 2017-1358-AIR-E

PCW

Respondent City of Garland Power & Light

Policy Revision 4 (April 2014)

Case ID No. 55082

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100214766

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 117.1345(d) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. O84, Special Terms and Conditions No. 1.A

Violation Description

Failed to submit semiannual reports within 30 days after the end of each calendar semiannual period. Specifically, the semiannual reports for the January 1, 2015 through June 30, 2015, July 1, 2015 through December 31, 2015, January 1, 2016 through June 30, 2016, and July 1, 2016 through December 31, 2016 calendar semiannual periods were due by July 30, 2015, January 30, 2016, July 30, 2016, and January 30, 2017, respectively, but were not submitted until August 9, 2017.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent 0.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | x | | |

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 4

741 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$15,000

Four single events are recommended, one for each report.

Good Faith Efforts to Comply

25.0%

Reduction \$3,750

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

| | |
|---------------|---|
| Extraordinary | |
| Ordinary | x |
| N/A | |

Notes

The Respondent came into compliance on August 9, 2017, prior to the Notice of Enforcement dated August 18, 2017.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$101

Violation Final Penalty Total \$9,750

This violation Final Assessed Penalty (adjusted for limits) \$9,750

Economic Benefit Worksheet

Respondent City of Garland Power & Light

Case ID No. 55082

Reg. Ent. Reference No. RN100214766

Media Air

Violation No. 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|------------|------|-------|-----|-------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$1,000 | 31-Jul-2015 | 9-Aug-2017 | 2.03 | \$101 | n/a | \$101 |

Notes for DELAYED costs

Estimated delayed costs to submit the semiannual reports for the January 1, 2015 through June 30, 2015, July 1, 2015 through December 31, 2015, January 1, 2016 through June 30, 2016, and July 1, 2016 through December 31, 2016 calendar semiannual periods. The Date Required is the due date of the first report and the Final Date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$101



Compliance History Report

Compliance History Report for CN600130140, RN100214766, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

| | | | |
|---|--|--|---------------------|
| Customer, Respondent, or Owner/Operator: CN600130140, City of Garland Power & Light | | Classification: HIGH | Rating: 0.00 |
| Regulated Entity: | RN100214766, Spencer Station | Classification: HIGH | Rating: 0.00 |
| Complexity Points: | 9 | Repeat Violator: | NO |
| CH Group: | 06 - Electric Power Generation | | |
| Location: | 1701 SPENCER ROAD, DENTON, TEXAS 76205-1129, DENTON COUNTY | | |
| TCEQ Region: | REGION 04 - DFW METROPLEX | | |
| ID Number(s): | | | |
| AIR OPERATING PERMITS ACCOUNT NUMBER DF0012T | | AIR OPERATING PERMITS PERMIT 84 | |
| AIR NEW SOURCE PERMITS PERMIT 45601 | | AIR NEW SOURCE PERMITS ACCOUNT NUMBER DF0012T | |
| AIR NEW SOURCE PERMITS AFS NUM 4812100002 | | AIR NEW SOURCE PERMITS REGISTRATION 111828 | |
| STORMWATER PERMIT TXR05Q656 | | AIR EMISSIONS INVENTORY ACCOUNT NUMBER DF0012T | |
| Compliance History Period: | September 01, 2011 to August 31, 2016 | Rating Year: | 2016 |
| | | Rating Date: | 09/01/2016 |
| Date Compliance History Report Prepared: | August 31, 2017 | | |
| Agency Decision Requiring Compliance History: | Enforcement | | |
| Component Period Selected: | August 31, 2012 to August 31, 2017 | | |
| TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History. | | | |
| Name: | David Carney | Phone: | (512) 239-2583 |

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

| | | |
|--------|-------------------|-----------|
| Item 1 | February 11, 2013 | (1052362) |
| Item 2 | August 09, 2013 | (1104782) |
| Item 3 | January 15, 2014 | (1122523) |
| Item 4 | July 31, 2014 | (1184589) |
| Item 5 | August 29, 2014 | (1185056) |
| Item 6 | August 06, 2015 | (1267608) |
| Item 7 | June 16, 2016 | (1338257) |

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF GARLAND POWER &
LIGHT
RN100214766**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2017-1358-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Garland Power & Light (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a power plant located at 1701 Spencer Road in Denton, Denton County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$21,450 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$17,160 of the penalty and \$4,290 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or

required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that on August 9, 2017, the Respondent submitted the semiannual reports for the January 1, 2015 through June 30, 2015, July 1, 2015 through December 31, 2015, January 1, 2016 through June 30, 2016, and July 1, 2016 through December 31, 2016 calendar semiannual periods.

II. ALLEGATIONS

During an investigation conducted on June 27, 2017, an investigator documented that the Respondent:

1. Failed to submit deviation reports within 30 days after the end of the reporting periods, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. 084, General Terms and Conditions ("GTC"). Specifically, the Respondent did not submit the deviation reports for the May 5, 2015 through November 4, 2015, November 5, 2015 through May 4, 2016, and May 5, 2016 through November 4, 2016 reporting periods because they determined that no deviations occurred during these reporting periods, but deviation reports should have been submitted by December 4, 2015, June 3, 2016, and December 4, 2016, respectively, to report the failure to submit the semiannual reports required by 30 TEX. ADMIN. CODE ch 117.
2. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 084, GTC. Specifically, the deviation report for the November 5, 2016 through May 4, 2017 reporting period did not include a deviation for failing to submit the semiannual report required by 30 TEX. ADMIN. CODE ch. 117 for the July 1, 2016 through December 31, 2016 calendar semiannual period.
3. Failed to submit semiannual reports within 30 days after the end of each calendar semiannual period, in violation of 30 TEX. ADMIN. CODE §§ 117.1345(d) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 084, Special Terms and Conditions No. 1.A. Specifically, the semiannual reports for the January 1, 2015 through June 30, 2015, July 1, 2015 through December 31, 2015, January 1, 2016 through June 30, 2016, and July 1, 2016 through December 31, 2016 calendar semiannual periods were

due by July 30, 2015, January 30, 2016, July 30, 2016, and January 30, 2017, respectively, but were not submitted until August 9, 2017.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Garland Power & Light, Docket No. 2017-1358-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, submit the deviation reports for the May 5, 2015 through November 4, 2015, November 5, 2015 through May 4, 2016, and May 5, 2016 through November 4, 2016 reporting periods and a revised deviation report for the November 5, 2016 through May 4, 2017 reporting period to report the failure to submit the semiannual reports required by 30 TEX. ADMIN. CODE ch. 117; and
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or

issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director

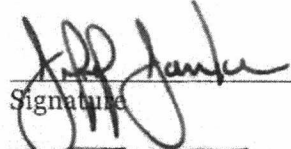
6/29/15
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature
JEFF JANKE
Name (Printed or typed)
Authorized Representative of
City of Garland Power & Light

12/04/17
Date
GENERAL MANAGER & CEO
Title

☐ If mailing address has changed, please check this box and provide the new address below:

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.